

REMARKS

Claims 1-12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-15, 17-22, 24, and 26-40 stand rejected under 35 U.S.C. § 102(e) as anticipated by US patent publication 2003/0120900 by Zimmer et al. (hereinafter Zimmer).

Response to rejections of claims under 35 U.S.C. § 112, second paragraph

Claims 1-12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants have amended claim 1 to specify that the data structure is the self-descriptive binary data structure. Claims 2-8, 11, 13, 17-22, 26, 27, 29-32, 34, 39, and 40 are similarly amended. Applicants submit that as amended claims 1-12 are definite under 35 U.S.C. § 112, second paragraph.

Amendments to the Claims

In addition to the amendments described above, Applicants have amended claim 1 with the limitation “...the self-descriptive binary data structure configured to communicate data between a source device and a target device distinct from the source device...” The amendment is fully supported by the specification. See page 14, ¶ 51; fig. 6, ref. 602 and 604. Claims 13, 18, 27, 29, and 40 are similarly amended.

Claim 18 is amended with the limitation “...the data structure descriptor identifying the location of the target data set within the data field...” of claim 1. Claim 18 is further amended with the limitation “...processing the target data set...” The amendment is well supported by the

specification. See page 17, ¶ 63.

Claims 29 and 40 are amended with the limitation “...the self-descriptive binary data structure comprising the plurality of data segments and the data structure descriptor...” The amendment is well supported by the specification. See page 16, ¶ 61. Claim 36 is canceled.

Response to rejections of claims under 35 U.S.C. § 102

Claims 1-15, 17-22, 24, and 26-40 stand rejected under 35 U.S.C. § 102(e) as anticipated by Zimmer. Applicants respectfully traverse this rejection.

Independent claim 1 as amended includes the limitation “...the self-descriptive binary data structure configured to communicate data between a source device and a target device distinct from the source device...” Amended independent claims 13, 18, 27, 29, and 40 include similar limitations. Thus the present invention claims communicating a self-descriptive binary data structure between distinct source and target devices.

In contrast, Zimmer discloses a data structure that is used to boot a device. There is no teaching in Zimmer of communicating the data structure between a source and a target device. The source (Non-volatile memory, Zimmer, fig. 1, ref. 26) and target (System memory, Zimmer, fig. 1, ref. 18) cited by the Examiner are incorporated in a single distinct device. Because Zimmer does not disclose communicating a self-descriptive binary data structure between distinct source and target devices, Applicants submit that claims 1, 13, 18, 27, 29, and 40 are allowable. Applicants further submit that claims 2-12, 14, 15, 17, 19-22, 24, and 26, 28, 30-35, and 37-39 are allowable as depending from allowable claims.

Conclusion

As a result of the presented remarks, Applicants assert that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: May 19, 2008
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 531-1929